

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  
Inventor(s):  
**Christopher J. Kralles, et al.**

BACKPRINTING ASSEMBLY  
FOR A PHOTOGRAPHIC  
PRINTER

Serial No.: 10/728,628

Filed: December 5, 2003

Group Art Unit: 2853  
Examiner:  
Ly T. Tran

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

**PREAPPEAL BRIEF**

Applicants request pre-appeal brief review of the final Office Action dated May 16, 2007. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The claims are as originally filed, having never been amended.

Applicants note that the Examiner in the final Office Action only addressed Applicants' comments with regard to one rejection, the rejection of claim 1 under 35 USC 103(a) over Lin in view of Kimura. The Examiner states at page 7 of the Office Action that:

Applicant argues that Kimura does not teach pressurizing a print head to force ink therethrough. This argument is not persuasive because *Kimura discloses pressurizing pressure control tank 6* to force ink through in pressure control tank to the head and out from the nozzle. *The pressure is not directly applied to the head* but through the tank to force the ink out. However, nothing in the claim recites that the pressure must apply directly to the print head. (Emphasis added.)

The Examiner has admitted that Lin does not teach a print head “pressurized to force a stream of ink through discharge jets of the print head” (*see* page 3). Thus, the Examiner has admitted neither Lin nor Kimura teach a print head that is itself pressurized.

In contrast to the Examiner’s statement at page 7 that “nothing in the claim recites that the pressure must apply directly to the print head,” Applicants claim 1 recites in part:

said automatic backprinting assembly comprising a movable ink jet printhead which is movable between at least a printing position to print on the back side of the photographic media and a priming position ***where the printhead is pressurized*** to force a stream of ink through discharge jets of the printhead. (Emphasis added.)

Applicants clearly claim a **pressurized print head**, which is admitted by the Examiner to not be taught by either reference. Thus, the Examiner has failed to present a *prima facie* case against claim 1. Withdrawal of the rejection is in order.

Claims 1-3 and 6-24 are rejected under 35 U.S.C. 103(a) over Lin in view of Ishiguro and Cipolla. Claims 1, 12, and 22 are independent, all other claims depending therefrom. Applicants traverse the rejection for at least the following reasons.

As discussed in previous responses filed May 23, 2006, September 28, 2006, and February 27, 2007, Lin does not disclose or suggest moving of either the front or backside printhead to a non-printing position, priming of a printhead, or pressurizing a printhead; Ishiguro does not disclose or suggest pressurizing the printhead to push out debris, but applies suction externally to the printhead to pull out ink; and Cipolla discloses a printing system having a priming system comprising a vacuum source in the form of a peristaltic pump for each printhead cap, wherein the vacuum forms suction external to the printhead to remove ink and air bubbles from the printhead. The combination of Lin, Ishiguro, and Cipolla teaches or suggests pulling ink from a printhead using a vacuum applied externally to the printhead.

The Examiner argues at page 5 of the final Office Action that “Cipolla shows that using the suction on the nozzle and using positive pressure on the ink are an equivalent structure known in the art.” However, no citation within what is presumed to be Cipolla is provided. Applicants note col. 2, lines 29-34, of Cipolla discuss priming of ink jet printheads by either “positive pressure on the ink in the ink tank to force ink and entrained air and/or air bubbles out of the ink flow paths” or by use of “vacuum or suction on the nozzles to withdraw some ink and thus any trapped air from the printhead.” Applicants note that Cipolla discloses application of pressure to the **ink tank**, and not pressurizing of the printhead itself.

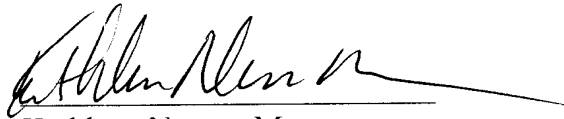
No reference or combination of references being presented that teaches, discloses, or suggests pressurizing the printhead as required in all rejected claims, a *prima facie* case of obviousness has not been made. Withdrawal of the rejection of claims 1-3 and 6-24 over Lin in view of Ishiguro and Cipolla is in order.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) over Lin in view of Ishiguro and Cipolla, and further in view of Watanabe. Applicants traverse the rejection for at least the following reasons.

Lin in view of Ishiguro and Cipolla is addressed above. Watanabe et al. is directed to a recording unit cartridge having a printhead that can be moved from a printing to a recovery position, wherein the printhead is activated to print an all ink image, such that the ink is ejected into a reservoir. See col. 9, lines 11-17 and 27-33. Watanabe et al. does not disclose or suggest pressurizing the printhead to remove dried ink or debris. Watanabe et al. thus does not overcome the deficiencies of Lin in view of Ishiguro and Cipolla because Watanabe et al. does not teach, disclose, or suggest at least a printhead having a priming position where the printhead is pressurized to a prime pressure sufficient to force a stream of ink through discharge jets of the printhead. No reference or combination of references being presented that teaches, discloses, or suggests pressurizing the printhead as required in claims 4 and 5, a *prima facie* case of obviousness has not been made. Withdrawal of the rejection is in order.

As set forth above, the final rejection is clearly in error because a *prima facie* case of obviousness for each rejection has not been established. A prompt and favorable action in response to this request is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kathleen Neuner Manne', with a long horizontal flourish extending to the right.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.